

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

FRIDAY, THE 19TH OCTOBER 2007 / 27TH ASWINA 1929

MFA.No. 1344 of 2001()

OPMV.1472/1994 of MOTOR ACCIDENT CLAIMS TRIBUNAL, ALAPPUZHA

APPELLANT -PETITIONER:

**A. ABDUL JALEEL, AGED 51 YEARS,
CHEMMOTH VELIYIL, THONDAKULANGARA
WARD, AVALOOKUNNU P.O., ALLEPPEY.**

BY ADV. SRI.T.K.RADHAKRISHNAN

RESPONDENTS - RESPONDENTS :

- 1. REGIMON, KANNATTU VEEDU,
KODAMTHURUTHU VILLAGE, KUTHIYATHODU.**
- 2. P.K. KUNJACHAN, THE DISTRICT CP(M) OFFICE,
PAZHAVEEDU P.O., ALAPPUZHA.**
- 3. THE NEW INDIA ASSURANCE CO. LTD.,
ALAPPUZHA.**

BY ADV. SRI.PMM.NAJEEB KHAN

**THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON
ON 19/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

K. PADMANABHAN NAIR, J.

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M.F.A. NO. 1344 OF 2001

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Dated this the 19th day of October, 2007

J U D G M E N T

Heard. Admitted. Advocate Shri P.M.M. Najeeb Khan took notice for the third respondent Insurer. Notice to the owner and driver dispensed with. Appeal itself is heard and disposed of.

2. Appellant met with a motor vehicle accident on 27.3.1994. He filed the O.P. claiming compensation impleading the owner, driver and Insurer of the offending vehicle. Tribunal found that the accident occurred due to the negligence of the driver of the offending vehicle. Tribunal further found that the appellant was entitled to a compensation of Rs.14,800/-. Insurer was directed to pay the amount awarded. Dissatisfied with the quantum of compensation awarded by the Tribunal, the appellant himself had filed this appeal.

3. The findings of the Tribunal regarding negligence, quantum of compensation, etc., have become final and

conclusive. The only question arising for consideration is whether the appellant is entitled to get any additional compensation.

4. Appellant produced a certificate to the effect that he was having 10% disability. Tribunal did not accept the same, but awarded Rs.5,000/- for permanent disability. Tribunal did not award any amount for loss of amenities and other inconveniences caused to the appellant. So I am of the view that the appellant is entitled to get Rs.7,500/- as compensation on that count with 6% interest.

In the result, appeal is allowed in part. An award is passed in favour of the appellant allowing him to recover an amount of Rs.7,500/- as additional compensation with 6% interest from the date of petition till date of realisation from the respondents. Insurer is directed to deposit that amount also. On deposit, the appellant can withdraw the entire amount.

K. PADMANABHAN NAIR, JUDGE.

M.F.A. NO. 1344 OF 2001

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K. PADMANABHAN NAIR, J.

M.F.A. NO. 1344 OF 2001

J U D G M E N T

19TH OCTOBER, 2007